REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of March 24, 2004. All of the Examiner's objections and rejections are traversed. Reexamination and reconsideration are respectfully requested.

The Office Action

Claims 1-17 stand have been rejected under 35 U.S.C. §102(e) as being anticipated by Cheng, et al., "Document Compression Using Rate-Distortion Optimized Segmentation," Journal of Electronic Imaging, pp. 1-33, July 1999 (hereinafter simply referred to as "Cheng").

Applicant is aware of no other outstanding rejections or objections.

Comments/Argument

Initially, Applicant points out that the cited Cheng reference does not provide a valid basis for rejection of the claims under 35 U.S.C. §102(e) insomuch as the reference is an journal article and not a patent. Please note, §102(e) applies only to patent documents (i.e., published applications and/or granted patents). Accordingly, for at least this reason alone, the rejection under 35 U.S.C. §102(e) is traversed.

Additionally, the art rejection is further traversed insomuch as Cheng fails to anticipate the claimed subject matter. The Manual Of Patent Examining Procedure (MPEP) is instructive on this point. According to MPEP §2131, to anticipate a claim under 35 U.S.C. §102, "the **reference must teach every** element of the claim" and "the **identical invention must be shown in** as **complete detail** as is contained in the ... claim" and "the **elements must be arranged as required** by the claim." [Emphasis added and citations omitted]. Cheng does not teach all of the claimed elements, and the identical invention is not shown in as complete detail as is contained in the claims. Moreover, the claimed elements are not arranged as required. Notably, the Office Action takes unrelated passages out of context from various diverse parts of the reference and recombines them in an attempt to read on the claimed invention. The reference simply does not contemplate such a random reconstruction of its elements. Note, in rejecting the claims, seemingly unrelated text is cite from all over the reference.

In particular, claim 1 call for a sampled block of pixels to be segmented in accordance with a first segmentation algorithm, e.g., see step (c). That same sampled block of pixels is also segmented in accordance with a second segmentation algorithm that is different than the first, e.g., see step (d). Each segmented sample is then compressed to produce first and second compressed image samples from the same sample block, e.g., see step (e). After compression, the segmentation is selected corresponding to the compressed sample that achieved an optimal compromise between bit rate and distortion, e.g., see step (h).

In contrast, Cheng explicitly states at page 3, line 16, "In this paper, we present a multiplayer document compression algorithm. This algorithm first classifies 8 x 8 non-overlapping blocks of pixels into different classes, such as text, picture and background. Then, each class is compressed using an algorithm specifically designed for that class." Nowhere does Chen suggest that the same sample block be segmented in two different ways and then each segmented sample compressed. On the contrary, FIGURE 2 clearly shows each block being processed (i.e., segmented and compressed) in only one manner based upon that blocks particular classification.

The Examiner appears to be misreading Cheng. Rather than proposing a method whereby a single sample is segmented in a plurality of different ways, Cheng is comparing and contrasting one form of segmentation (namely, the so called TSMAP approach) with another (namely, the so called RDOS approach) to illustrate the advantages of the later over the former. That is to say, Cheng is not proposing using both segmentation algorithms, rather Cheng is proposing using the RDOS approach instead of the TSMAP approach. This is very different from what is being claimed.

Accordingly, it is submitted that claims 1-8 distinguish patentably over the cited reference.

Claims 9-17 also distinguish patentably over the cited reference. Notably, the Office Action fails to substantively address these claims. Accordingly, it is unclear where the Examiner alleges the claimed elements are taught. Nevertheless, Applicant cannot find where Cheng teaches "a first processing bank, said first processing bank including an array of first processors, wherein each first processor has a distinct coder which separately carries out coding to segment and compress the image, said first processors each outputting a bit rate and image distortion

measurement resulting from their respective codings." In fact, Cheng makes no mention of the claimed bank, processors, or coders. In fact, Cheng does not refer to any specific hardware, equipment or physical elements for implementing the particular algorithms proposed in the reference. For example, Cheng mentions no optimization engine (as claimed in claim 9), no decoders (as claimed in claim 13), and no second bank of processors (as claimed in claim 14). Should the Examiner continue to hold that these particular physical elements are expressly taught by Cheng, then it is respectfully requested that they be specifically identified within the reference.
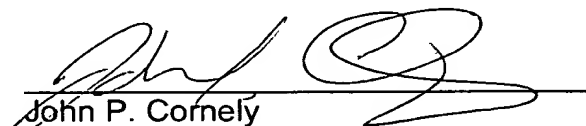
CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call the below signed, at the telephone number listed.

Respectfully submitted,

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Date

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